

Board of Appeals and Review

www.bar.dc.gov

Description	FY 2003 Approved	FY 2004 Proposed	% Change
Operating Budget	\$276,576	\$0	-100

In FY 2004, the Board of Appeals and Review (BAR) will be eliminated as an agency. Operationally, its mission will be transferred and fulfilled within the new Office of Administrative Hearings (OAH). BAR's projected FY 2004 funding requirement of \$276,576 and 3 FTEs, which is the same as the FY 2003 level, will also be transferred to OAH in support of the adjudication functions that will continue under the new office of OAH.

The mission, under OAH, will be to continue hearing and adjudicating citizen complaints from adverse decisions concerning license revocations and civil infractions from the Department of Consumer and Regulatory Affairs, litter violations from the Department of Public Works, program reimbursements and providers' agreements from the Department of Health, and security guard license and private detective agency license denials from the Metropolitan Police Department.

Did you know...

In FY 2002, percentage of appeals scheduled for hearing 30 days after filing	98
In FY 2002, percentage of appeal decisions issued 30 days after hearing transcript.	95
Number of people served in FY 2002	550

The agency plans to fulfill its mission within the new Office of Administration Hearings by achieving the following strategic result goals:

- Schedule all appeals within 30 days after issuance of agency case file.
- Render all final decisions 30 days after issuance of the hearing transcript.
- Continue the archival/storage database of all closed appeals.

Where the Money Comes From

Table DK0-1 shows the sources of funding for the Board of Appeals and Review

Table DK0-1

FY 2004 Proposed Operating Budget, by Revenue Type

(dollars in thousands)

	Actual FY 2001	Actual FY 2002	Approved FY 2003	Proposed FY 2004	Change From FY 2003	Percent Change
Local Fund	240	243	277	0	-277	-100.0
Total for General Fund	240	243	277	0	-277	-100.0
Gross Funds	240	243	277	0	-277	-100.0

How the Money is Allocated

Tables DK0-2 and 3 show the FY 2004 proposed budget for the agency at the Comptroller Source Group level (Object Class level) and FTEs by fund type.

Table DK0-2

FY 2004 Proposed Operating Budget, by Comptroller Source Group

(dollars in thousands)

	Actual FY 2001	Actual FY 2002	Approved FY 2003	Proposed FY 2004	Change from FY 2003	Percent Change
11 Regular Pay - Cont Full Time	105	157	154	0	-154	-100.0
13 Additional Gross Pay	3	0	0	0	0	0.0
14 Fringe Benefits - Curr Personnel	17	22	32	0	-32	-100.0
Subtotal Personal Services (PS)	125	180	186	0	-186	-100.0
20 Supplies and Materials	11	6	6	0	-6	-100.0
30 Energy, Comm. and Bldg Rentals	6	7	7	0	-7	-100.0
31 Telephone, Telegraph, Telegram, Etc	12	13	15	0	-15	-100.0
32 Rentals - Land and Structures	0	0	0	0	0	0.0
33 Janitorial Services	0	3	4	0	-4	-100.0
34 Security Services	0	5	5	0	-5	-100.0
40 Other Services and Charges	22	11	11	0	-11	-100.0
41 Contractual Services - Other	32	11	29	0	-29	-100.0
70 Equipment & Equipment Rental	32	8	13	0	-13	-100.0
Subtotal Nonpersonal Services (NPS)	116	64	90	0	-90	-100.0
Total Proposed Operating Budget	240	243	277	0	-277	-100.0

Table DK0-3

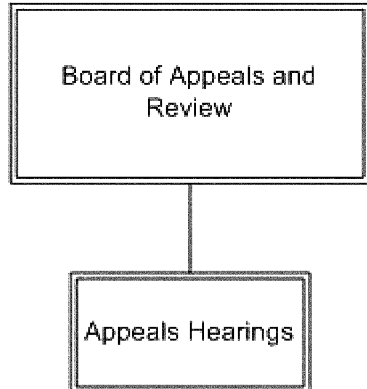
FY 2004 Full-Time Equivalent Employment Levels

	Actual FY 2001	Actual FY 2002	Approved FY 2003	Proposed FY 2004	Change from FY 2003	Percent Change
General Fund						
Local Fund	2	3	3	0	-3	-100.0
Total for General Fund	2	3	3	0	-3	-100.0
Total Proposed FTEs	2	3	3	0	-3	-100.0

Gross Funds

FY 2004 funding requirement of \$276,576 and 3 FTEs, which is the same as the FY 2003 level, are transferred to the new **Office of Administrative Hearings (OAH)** and the Board of Appeals and Review agency is eliminated.

Figure DK0-1

Board of Appeals and Review**Programs**

Although the Board of Appeals and Review is eliminated beginning in FY 2004, the programmatic function/activity will continue within the Office of Administrative Hearings agency.

Appeal Hearings

OAH will modernize and improve administrative adjudication in the District so that citizens and other persons doing business will consistently receive high quality, fair, impartial, and efficient hearings in administrative litigation.

Agency decisions are reviewed in cases where errors are alleged, and final determinations are rendered by sustaining, reversing, modifying the appeal from which the action is taken, or when appropriate, remanding the case for further consideration. The OAH will be responsible for the continued and timely processing of cases on appeal including the maintenance and distribution of filings, preparation of reports, and correlation with various government agencies, attorneys, and pro se litigants. All decisions rendered are based upon testimony and documentary evidence introduced during hearings.

Key initiatives which will be transferred to OAH and are associated with the appeal adjudication process include:

- Scheduling all appeals within 30 days of after receipt of agency file.
- Issue all final decisions after receipt of the appeal-hearing transcript.
- Continue the archival/storage database for all closed final appeal decisions.

Agency Goals and Performance Measures

Goal 1: Improve code enforcement and adjudication.

Citywide Strategic Priority Area(s): Making Government Work

Manager(s): Francine Howard James, Director

Supervisor(s): Eric Price, Deputy Mayor for Economic Development

Measure 1.1: Number of appeals filed

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	108	100	110	110	-
Actual	143	156	-	-	-

Measure 1.2: Number of appeal decisions issued

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	82	100	90	100	-
Actual	266	91	-	-	-

Measure 1.3: Percentage of appeals scheduled for hearing 30 days after filing

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	95	95	98	98	98
Actual	95	98	-	-	-

Note: FY 2003-2004 targets increased from 95 percent to 98 percent. (12/27/02)

Measure 1.4: Percentage of appeal decisions issued 30 days after hearing transcript

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	95	95	95	95	95
Actual	95	95	-	-	-